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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,207	03/25/2004	John A. Muth	5760-19800/VRTS0608	6546
35690	7590	04/26/2007		
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398			EXAMINER PANNALA, SATHYANARAYAN R	
			ART UNIT	PAPER NUMBER
			2164	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/809,207

Applicant(s)

MUTH ET AL.

Examiner

Sathyanarayan Pannala

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicants Amendment filed on 2/13/2007 has been entered with amended claims 1, 3, 6, 9, 11-16. In this Office Action, claims 1-16 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,3-6, 8-11, 13-15, are rejected under 35 U.S.C. 102(b) as being anticipated by Schmeidler et al. (US Patent 6,374,402) hereinafter Schmeidler.

4. As per independent claims 1, 6, 11, Schmeidler teaches a method, system as upon user selection of the title from a virtual storefront, the user negotiates for an actual purchase of the title. Negotiation includes user registration with a third party electronic commerce system (eCommerce), provision of user billing information, and selection of one of the purchase types offered with the selected title (col. 2, lines 37-42).

Schmeidler teaches the claimed, in response to receiving a data access request from a

client, a metadata server, as to access contents on a RAFT server (Fig. 8, col. 22, lines 48-49 and lines 51-52). Schmeidler teaches the claimed, determining a maximum expiration time indicated by a next scheduled quiesce time, as the network file (RAFT) server verifies the Conditional Access Server (CAS's) digital signature and token contents (Fig. 8, col. 22, lines 51-54 and lines 59-66). Schmeidler teaches the claimed, generating an access token that grants the client access to data stored on one or more storage devices associated with the metadata server, wherein the access token comprises an expiration time, as the launch string as digitally signed is provided to the client (Fig. 2, 4 col. 9, lines 36-51) and the RAFT returns the token and activator to the launcher 220 and the token comprises start time 806 and end time 808 (Fig. 8, col. 22, lines 61-62). Schmeidler teaches the claimed, generating an access token comprises setting the expiration time of the access token to be no later than the maximum expiration time (Fig 8, col. 22, lines 65-66).

5. As per dependent claims 3, 9, 14, Schmeidler teaches the claimed, the metadata server providing the access token to the client as source content delivery platform (SCDP) client 216 (Fig. 2A, col. 8, line 2).

6. As per dependent claims 4, 8, 13, Schmeidler teaches the claimed, a storage device receiving a data I/O request associated with the access token, comparing a current system time with the access token's expiration time and denying the data I/O request if the current system time is later than the access token's expiration time, as the

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RAFT server will deny access if server's current time is not within the token time (Fig. 8, col. 23, lines 7-9).

7. As per dependent claim 5, 10, 15, Schmeidler teaches the claimed, the client is one of a plurality of clients, the access token is one of a plurality of access tokens, each of the access tokens is provided to a respective one of the plurality of clients and wherein at the next scheduled quiesce time the plurality of access tokens are expired without the metadata server transmitting a message to each client to expire its respective access tokens as the authorization token is a signed message from the CAS indicating that the requesting user can have access to a specified briq, on a specific RAFT file server, for the length of time spelled out (Fig. 8, col. 3, lines 47-51).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the

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contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 2, 7, 12, 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmeidler et al. (US Patent 6,374,402) hereinafter Schmeidler, and in view of McBrearty et al. (USPA Pub 20040015585 A1) hereinafter McBrearty.

10. As per dependent claims 2, 7, 12, Schmeidler does not explicitly teach default expiration time. McBrearty teaches the claimed, determining a default expiration time if the default expiration time is earlier than the maximum expiration time, setting the expiration time of the access token to be the default expiration time, as the token has a limited lifetime, typically 24 hours before the token expires (page 1, paragraph [0004]). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because McBrearty's teachings would have allowed Schmeidler's system and method for that allows for security tokens to be utilized which have more flexibility in a networked system (page 1, paragraph [0010]).

11. As per independent claim 16, Schmeidler teaches a method, system as upon user selection of the title from a virtual storefront, the user negotiates for an actual purchase of the title. Negotiation includes user registration with a third party electronic commerce system (eCommerce), provision of user billing information, and selection of

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one of the purchase types offered with the selected title (col. 2, lines 37-42).

Schmeidler teaches the claimed, for setting the expiration time of an access token to the earlier of either a maximum expiration time indicated by a next scheduled quiesce time or the default expiration time, wherein the access token that grants the client access to data stored on one or more storage devices associated with the metadata server

(Fig. 8, col. 22, lines 51-54 and lines 59-66). Schmeidler teaches the claimed, receiving a data I/O request associated with the access token, as the network file (RAFT) server verifies the Conditional Access Server (CAS's) digital signature and token contents (Fig. 8, col. 22, lines 53-54). McBrearty teaches the claimed, determining a default expiration time if the default expiration time is earlier than the maximum expiration time, setting the expiration time of the access token to be the default expiration time, as the token has a limited lifetime, typically 24 hours before the token expires (page 1, paragraph [0004].

Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because McBrearty's teachings would have allowed Schmeidler's system and method for that allows for security tokens to be utilized which have more flexibility in a networked system (page 1, paragraph [0010]). Schmeidler teaches the claimed, comparing a current system time with the access token's expiration time and denying the data I/O request if the current system time is later than the access token's expiration time, as the RAFT server will deny access if server's current time is not within the token time (Fig. 8, col. 23, lines 7-9).

Response to Arguments

12. Applicant's arguments filed on 2/13/2007 have been fully considered but they are not persuasive and details as follows:

a) Applicant's amendment overcomes the rejection under 35 U.S.C. 101.

b) Applicant's argument stated as "Regarding claim 1, contrary..." (see page 9, paragraph 4).

In response to Applicant argument, Examiner disagrees because Schmeidler teaches the tokens expiration time as end time 808, the detailed format of the CAS is shown in Fig. 8, col. 22, lines 59-66.

c) Applicant's argument stated as "The identical invention must be shown."

In response to Applicant argument, Examiner disagrees because Schmeidler teaches the same as the current invention. Further, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

d) Applicant's argument stated as "McBrearty fails to teach or suggest determining a default expiration time."

In response to Applicant argument, Examiner disagrees because McBready teaches the expiration time as the token has a limited lifetime (see page 1, paragraph [0004]).

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

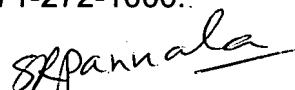
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Sathyanarayan Pannala
Primary Examiner

srp
April 21, 2007